

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 09-211

v.

*

SECTION: "R" (1)

KEVIN WHITTINGTON

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FACTUAL BASIS

The above-named defendant, **KEVIN WHITTINGTON**, has agreed to plead guilty as charged to Count One of the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **KEVIN WHITTINGTON** ("**WHITTINGTON**"):

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

In June 2009, a reliable confidential informant (C/I) informed agents with the Drug Enforcement Administration that **WHITTINGTON**, a Tangipahoa Parish Sheriff's Deputy employed at the Tangipahoa Parish Jail, was bringing contraband to inmates at the jail for monetary

compensation.

On or about July 6, 2009, in the presence of agents, the C/I placed a consensual recorded phone call to **WHITTINGTON** to arrange for the delivery of a cellular telephone and some cocaine base (“crack”) to a known person, otherwise identified as “T.R.”, an inmate at the Tangipahoa Parish Jail. During the phone call, the C/I told **WHITTINGTON** that T.R. mentioned **WHITTINGTON**’s name to him. The C/I said that T.R. asked him for a cellular phone and a “half-ounce of hard”, meaning a half-ounce of crack cocaine. The C/I then asked **WHITTINGTON** what he would charge him for delivering the items to T.R. and **WHITTINGTON** responded, “Let’s meet and see what we got.” Later in the conversation, the C/I again asked for a price and reiterated that he was bringing a cellular phone and “the hard”. **WHITTINGTON** then told the C/I to “Bring \$700.00.”

The C/I placed a second consensual recorded phone call to **WHITTINGTON** later that same day. At that time, the C/I and **WHITTINGTON** agreed to meet in Hammond, Louisiana in the parking lot of the movie theater located on Fagan Drive. Prior to the meeting, the C/I met with agents who provided the C/I with a cellular phone, a clear plastic bag containing approximately 24 grams of crack cocaine, \$700.00 in official agency funds, and audio recording equipment to record the meeting.

At approximately 2:30 p.m., the C/I arrived at the movie theater and parked near **WHITTINGTON**’s vehicle. The C/I entered **WHITTINGTON**’s vehicle and **WHITTINGTON** drove out of the parking lot. The C/I told **WHITTINGTON** that he had “everything here”, referring to the cellular phone, crack cocaine and money. **WHITTINGTON** then told the C/I that he had to be careful because he was a Sheriff’s deputy. **WHITTINGTON** acknowledged that he knew T.R. and that T.R. was in **WHITTINGTON**’s wing at the jail. **WHITTINGTON** then confirmed with

the C/I that T.R. wanted a phone and asked what else he wanted. The C/I responded that T.R. wanted “some smoke”, referring to crack cocaine. The C/I told **WHITTINGTON** that he brought both the phone and the crack because that was what they agreed upon when they spoke earlier.

WHITTINGTON then drove to a cemetery to avoid any surveillance. He told the C/I, “I gotta make sure everything is cool before I can do anything.” After parking in the cemetery he asked the C/I, “What we got?” The C/I then gave **WHITTINGTON** the cellular phone, the crack cocaine and counted the \$700.00 before he gave it to him. **WHITTINGTON** took the phone, crack cocaine and the money then asked the C/I if he wanted T.R. to eat. The C/I responded, “Of course” and **WHITTINGTON** said he would get him some chicken and “bring him his stuff”, referring to the cellular phone and crack provided by the C/I.

WHITTINGTON then drove from the cemetery and continued to drive around the city for a few minutes attempting to avoid any possible surveillance. He again reminded the C/I that he had to be cautious because he was a Sheriff’s deputy. **WHITTINGTON** eventually stopped at red light near the movie theater and let the C/I exit his vehicle. The entire meeting was recorded with the audio equipment provided to the C/I by the agents.

After the C/I exited the vehicle, **WHITTINGTON** continued to drive around and through neighborhoods as if he were attempting to avoid surveillance. Agents stopped **WHITTINGTON** in his vehicle at the intersection of Hewitt Road and Railroad Avenue in Hammond, Louisiana. Agents placed **WHITTINGTON** under arrest and recovered the cellular phone, crack cocaine and the \$700.00 from the vehicle. The phone and money were located between the driver and passenger’s seat of the vehicle in plain view. The crack cocaine was located on the center floorboard console between the driver and passenger’s seat also in plain view. Agents field tested the crack

cocaine and it tested positive for the presence of cocaine.

Agents Mirandized **WHITTINGTON** and he agreed to answer questions. He told the agents that he was in a financial bind and was delivering the contraband to earn some extra money. When the agents asked why he drove into the cemetery he told them that he was nervous and was trying to avoid any law enforcement vehicles. He then apologized to the agents and asked for forgiveness.

The drugs were analyzed at the Drug Enforcement Laboratory. They were analyzed by Forensic Chemist Mark McDonald. The drugs tested positive for the presence of cocaine base and had a net weight of 22.7 grams.

ANDRE' JONES (Date)
Assistant United States Attorney
LA Bar Roll No. 23502

KEVIN WHITTINGTON (Date)
Defendant

CYNTHIA M. CIMINO (Date)
Assistant Federal Public Defender
LA Bar Roll No. 30874
Attorney for Defendant